

Senate Bill 52

By: Senators Jones of the 10th, Adelman of the 42nd, Weber of the 40th and Thompson of the 5th

AS PASSED**AN ACT**

To amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to change the provisions relating to the authority of the chief executive officer to preside over meetings of the county commission and vote in certain instances; to change the provisions relating to the authority of the chief executive officer to set the agenda for meetings of the county commission; to provide for related matters; to provide for a referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, is amended by adding a new paragraph (20) to subsection (a) of Section 9 of the 1981 amendatory Act (Ga. L. 1981, p. 4304) to read as follows:

"(20) To prepare an agenda for meetings of the Commission. The commission shall accept agenda items by the chief executive officer upon motion by any commissioner to be placed upon the agenda, pursuant to the rules by which an item may be placed on the agenda by a member of the commission."

SECTION 2.

Said Act is further amended by striking subsections (a) and (c) of Section 11 of the 1981 amendatory Act (Ga. L. 1981, p. 4304) in their entirety and inserting in lieu thereof new subsections (a) and (c) to read as follows:

"(a) The chief executive shall have no vote at any regular or specially called meeting of the commission unless the members of the commission are equally divided. Even when the members of the commission are equally divided, the chief executive may not vote on a matter which is not subject to veto by said officer under the provisions of subsection (d) of Section 15 of this Act."

"(c) The Presiding Officer shall preside at meetings of the Commission and shall have the following additional duties:

- (1) To convene such special meetings of the Commission as are deemed necessary, but all members shall be notified at least three days in advance of any such special meeting;
- (2) To appoint the members and chairpersons of such committees of the Commission as the Commission, by its rules, may establish and fill vacancies therein, but any such appointments may be rejected by a majority vote of the total membership of the Commission;
- (3) To compel the attendance of members at meetings of the Commission by subpoena, if necessary, subject to the policy of the Commission as established by its rules; and
- (4) To exercise such other powers and duties as may be assigned to the Presiding Officer by ordinance or rules and regulations of the Commission."

SECTION 3.

Said Act is further amended by striking subsection (l) of Section 13 of the 1981 amendatory Act (Ga. L. 1981, p. 4304) in its entirety which reads as follows:

"(l) The Chief Executive shall issue calls for agenda items and shall prepare and publish a listing of those items and the same shall serve as the agenda for the Commission unless superseded by the Commission."

SECTION 4.

Said Act is further amended by revising Section 20 as follows:

"Section 20. Records; minutes. The Commission shall appoint a clerk who shall be the clerk of the Chief Executive and the Commission and shall keep a proper and accurate book of minutes wherein shall appear all the acts, orders, and proceedings of the Commission, in chronological order, and a similar book of minutes wherein shall appear,

in chronological order, all acts, orders, and proceedings of the Chief Executive. The minute books of the Chief Executive and the Commission shall be open to public inspection at all times during the regular office hours, and certified copies of any entries therein shall be furnished by the said clerk to any person requesting same upon payment of a reasonable fee, to be paid into the county treasury as other funds, to be assessed by the Commission in an amount sufficient to defray the cost of preparing same. In addition, the clerk shall manage the agenda for meetings of the Commission and perform such other duties as the Commission may direct."

SECTION 5.

Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of DeKalb County shall call and conduct a special election for the purpose of submitting this Act to the electors of DeKalb County for approval or rejection. The election superintendent shall conduct that election on a practicable date in 2008 authorized under Code Section 21-2-540 of the O.C.G.A.; provided, however, that if the conducting of the election under this Act earlier is impracticable, then the election superintendent shall conduct the election under this Act on the Tuesday after the first Monday in November, 2008. The election superintendent shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides for the presiding officer to
() NO preside over meetings of the DeKalb County Commission and for the
commission to establish its own agenda for such meetings?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for the approval of the Act, Sections 1, 2, 3, and 4 of this Act shall become of full force and effect on the first day of January immediately following such election. If the Act is not approved or if the election is not conducted as provided in this section, Sections 1, 2, 3, and 4 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by DeKalb County. It shall be the duty of the election superintendent of DeKalb County to certify the results thereof to the Secretary of State.

SECTION 6.

Except as otherwise provided in Section 5 of this Act, this Act shall become effective upon its approval by the Governor or its becoming law without such approval.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.